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CLERK'S OFFICERICHARD W. WIEKING,  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DOCKET NO. 1699

2:05CV941

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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE BEXTRA AND CELEBREX MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATIONBEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.  
LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,  
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL

## TRANSFER ORDER

Presently before the Panel are motions, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in 70 actions listed on Schedule A to vacate the Panel's orders conditionally transferring the actions to the Northern District of California for inclusion in the Section 1407 proceedings occurring there in this docket. Defendants<sup>1</sup> favor inclusion of these actions in MDL-1699 proceedings.

On the basis of the papers filed and hearing session held, the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Northern District of California. Transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Any pending motions to remand to state court can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001). The Panel further finds that transfer of these actions is appropriate for the reasons expressed in the original order directing centralization in this docket. In that order, the Panel held that the Northern District of California was a proper Section 1407 forum for actions involving claims of liability for allegedly adverse effects arising from the ingestion of Bextra and/or Celebrex as well as claims relating to the sales and marketing of these prescription medications. *See In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation*, 391 F.Supp.2d 1377 (J.P.M.L. 2005).

Some opposing plaintiffs argue that the presence of individual and/or local questions of fact as well as differing legal theories should militate against inclusion of these actions in MDL-1699 proceedings. We are unpersuaded by these arguments. Inclusion of these actions in Section 1407 proceedings has the salutary effect of placing all the related actions before a single judge who can

<sup>1</sup> Pfizer Inc., Pharmacia Corp., and G.D. Searle, LLC.

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formulate a pretrial program that: 1) prevents repetition of previously considered matters; 2) allows pretrial proceedings with respect to any non-common issues to proceed concurrently with pretrial proceedings on common issues, *In re Multi-Piece Rim Products Liability Litigation*, 464 F.Supp. 969, 974 (J.P.M.L. 1979); and 3) ensures that pretrial proceedings will be conducted in a manner leading to the just and expeditious resolution of all actions to the overall benefit of the parties. *See In re StarLink Corn Products Liability Litigation*, 152 F.Supp.2d 1378 (J.P.M.L. 2001). It may be, on further refinement of the issues and close scrutiny by the transferee judge, that some claims or actions can be remanded to their transferor districts for trial in advance of the other actions in the transferee district. Should the transferee judge deem remand of any claims or actions appropriate, procedures are available whereby this may be accomplished with a minimum of delay. *See Rule 7.6, R.P.J.P.M.L.*, 199 F.R.D. at 436-38.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Northern District of California and, with the consent of that court, assigned to the Honorable Charles R. Breyer for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges  
Chairman

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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE, CALIFORNIA  
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## SCHEDULE A

### MDL-1699 -- In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation

#### Middle District of Alabama

*Katie Thomas v. Pfizer, Inc., et al.*, C.A. No. 2:05-824  
*Rosa M. Nelson v. Pfizer, Inc., et al.*, C.A. No. 2:05-832  
*Ozzie Jackson v. Pfizer, Inc., et al.*, C.A. No. 2:05-841  
*William Randolph Hall, Sr., etc. v. Pfizer, Inc., et al.*, C.A. No. 2:05-941 ✓

#### Western District of Kentucky

*Roger G. Ewing v. Pfizer, Inc.*, C.A. No. 3:05-598

#### Eastern District of Louisiana

*Raymond Audler, et al. v. Pfizer, Inc., et al.*, C.A. No. 2:05-2436

#### Western District of Louisiana

*Gayle Swilley, et al. v. Pfizer, Inc.*, C.A. No. 1:05-761

#### Eastern District of Missouri

*Vern Bowers v. Pfizer, Inc., et al.*, C.A. No. 4:05-1302  
*Edward Vitt v. Pfizer, Inc., et al.*, C.A. No. 4:05-1303  
*Georgette Asbury v. Pharmacia Corp., et al.*, C.A. No. 4:05-1602  
*Brenda Bryan v. Monsanto Co., et al.*, C.A. No. 4:05-1603  
*Frances D. Bangs v. Pharmacia Corp., et al.*, C.A. No. 4:05-1604  
*J.C. Bunch v. Pharmacia Corp., et al.*, C.A. No. 4:05-1605  
*Kathy Dimick v. Pharmacia Corp., et al.*, C.A. No. 4:05-1606  
*Marla Harper v. Monsanto Co., et al.*, C.A. No. 4:05-1607  
*Beverly Mitchell v. Monsanto Co., et al.*, C.A. No. 4:05-1608  
*Sonja Mooberry v. Monsanto Co., et al.*, C.A. No. 4:05-1609  
*Helen Zdrakovich v. Pfizer, Inc., et al.*, C.A. No. 4:05-1610  
*Jewell Allen v. Pfizer, Inc., et al.*, C.A. No. 4:05-1611  
*John Beaber v. Pfizer, Inc., et al.*, C.A. No. 4:05-1612  
*Leonard Berry v. Pfizer, Inc., et al.*, C.A. No. 4:05-1613  
*Rogelio Caldera v. Pfizer, Inc., et al.*, C.A. No. 4:05-1614  
*Sybil Ball v. Monsanto Co., et al.*, C.A. No. 4:05-1615  
*Henry Cooper v. Pfizer, Inc., et al.*, C.A. No. 4:05-1617  
*Eugene Clervi v. Pfizer, Inc., et al.*, C.A. No. 4:05-1619  
*Alberta Cox v. Pfizer, Inc., et al.*, C.A. No. 4:05-1620  
*Linda Douglas v. Pfizer, Inc., et al.*, C.A. No. 4:05-1621  
*Robert Gordon v. Pfizer, Inc., et al.*, C.A. No. 4:05-1622  
*Betty Jo Green v. Pfizer, Inc., et al.*, C.A. No. 4:05-1623

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Eastern District of Missouri (Continued)

*Hazel Humphrey v. Pfizer, Inc., et al.*, C.A. No. 4:05-1624  
*Rudean Hurt v. Pfizer, Inc., et al.*, C.A. No. 4:05-1625  
*Robert Kraemer v. Pfizer, Inc., et al.*, C.A. No. 4:05-1626  
*Brenda Mahone v. Pfizer, Inc., et al.*, C.A. No. 4:05-1627  
*Leonard Mask v. Pfizer, Inc., et al.*, C.A. No. 4:05-1628  
*Dolores McNearney v. Pfizer, Inc., et al.*, C.A. No. 4:05-1629  
*Daniel Moser v. Pfizer, Inc., et al.*, C.A. No. 4:05-1630  
*Dolly Peterson v. Pfizer, Inc., et al.*, C.A. No. 4:05-1631  
*Lilly Pierce v. Pfizer, Inc., et al.*, C.A. No. 4:05-1632  
*Timothy Tarpley v. Pfizer, Inc., et al.*, C.A. No. 4:05-1633  
*William Washington v. Pfizer, Inc., et al.*, C.A. No. 4:05-1634  
*Helen Webb v. Pfizer, Inc., et al.*, C.A. No. 4:05-1635  
*Raymond Winn v. Pfizer, Inc., et al.*, C.A. No. 4:05-1636  
*Jack Backowski v. Monsanto Co., et al.*, C.A. No. 4:05-1637  
*Sandy Jeffers v. Monsanto Co., et al.*, C.A. No. 4:05-1638  
*Billy Tarlton Lafoon, Jr. v. Pharmacia Corp., et al.*, C.A. No. 4:05-1639  
*Patty Welch v. Pfizer, Inc., et al.*, C.A. No. 4:05-1640  
*Teresa Whitledge v. G.D. Searle, LLC, et al.*, C.A. No. 4:05-1641  
*Donna Alubur v. Monsanto Co., et al.*, C.A. No. 4:05-1642  
*Sharlene Border v. Monsanto Co., et al.*, C.A. No. 4:05-1643  
*Charles Bruun v. G.D. Searle, LLC, et al.*, C.A. No. 4:05-1644  
*Tireta Johnson v. Monsanto Co., et al.*, C.A. No. 4:05-1645  
*Tina McCoy v. Monsanto Co., et al.*, C.A. No. 4:05-1646  
*Evelina Anderson, et al. v. Monsanto Co., et al.*, C.A. No. 4:05-1647  
*Deborah Caywood, et al. v. Monsanto Co., et al.*, C.A. No. 4:05-1648  
*Don Stobbe v. Monsanto Co., et al.*, C.A. No. 4:05-1649  
*Stephanie Shearer v. Monsanto Co., et al.*, C.A. No. 4:05-1650  
*John Cogle v. Monsanto Co., et al.*, C.A. No. 4:05-1651  
*Thomas DeVault v. Monsanto Co., et al.*, C.A. No. 4:05-1652  
*James Dougan v. Monsanto Co., et al.*, C.A. No. 4:05-1653  
*Margaret Hamilton v. Monsanto Co., et al.*, C.A. No. 4:05-1654  
*Wanda Newport v. Monsanto Co., et al.*, C.A. No. 4:05-1655  
*Phyllis Taylor v. Monsanto Co., et al.*, C.A. No. 4:05-1656  
*Thomas Nolan v. Monsanto Co., et al.*, C.A. No. 4:05-1657  
*Barbara Singleton v. Monsanto Co., et al.*, C.A. No. 4:05-1658  
*Judy McRoberts v. Pfizer, Inc., et al.*, C.A. No. 4:05-1659  
*Carol Snowbarger v. Monsanto Co., et al.*, C.A. No. 4:05-1660  
*William Stutz v. Monsanto Co., et al.*, C.A. No. 4:05-1661  
*Margaret White v. Monsanto Co., et al.*, C.A. No. 4:05-1662  
*Edward Wilt v. Monsanto Co., et al.*, C.A. No. 4:05-1663  
*Ardella Heckman v. Monsanto Co., et al.*, C.A. No. 4:05-1664